PROB 12B
(04/08)

July 27, 2016
pacts id: 243961

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

Request for Modifying the Conditions of Term of Supervision

Name of Offender: Jesus Ernesto Gonzalez (English) **Dkt No.:** 16CR07102-001

Name of Sentencing Judicial Officer: The Honorable Patricia A. Gaughn, U.S. District Judge, Northern District of Ohio. On June 24, 2016, jurisdiction was transferred to the Southern District of California, and the case was assigned to the Honorable Cynthia Ann Bashant, U.S. District Judge.

Sentence: 57 months custody; followed by five years' supervised release. *(Special Conditions: Refer to Judgment and Commitment Order.)*

Date of Sentence: April 30, 2012

Date Supervised Release Commenced: October 30, 2015

Prior Violation History: None.

PETITIONING THE COURT

TO MODIFY THE CONDITIONS OF SUPERVISION AS FOLLOWS:

Not enter or reside in Mexico without permission of the Court or the probation officer.

CAUSE

On February 5, May 27 (prior to transfer of jurisdiction in the Southern District of California) and July 6, 2016, the offender failed to appear for drug testing. On February 8, 2016, this officer met with Mr. Gonzalez and he explained that he was off work that day and had planned to report for drug testing. However, he was unexpectedly called into work and he forgot to report to report for drug testing. Probation records reflect the offender called the automated drug testing line on February 7, 2016 and he was aware he was scheduled to drug test on February 8, 2016.

On June 3, 2016, the undersigned spoke with the offender by telephone and he stated he forgot to call the automated drug testing line on May 27, 2016. He apologized for his failure to test and agreed to make a better effort in calling the automated drug testing line.

On July 14, 2016, the officer spoke to the offender via telephone regarding his failure to test. Mr. Gonzalez indicated he worked late on the evening of July 5, 2016 and forgot to call the automated drug testing line. He apologized for his failures to test and agreed to make a better effort in consistently calling the automated drug testing line. Mr. Gonzalez is currently in Phase II of drug testing which tests twice per month. It is recommended that no action be taken with regard to the missed drug tests.

Mr. Gonzalez is currently residing with roommates in San Diego, California. He is employed full-time as a dishwasher at Il Fornaio restaurant in Coronado; however, he has reported difficulty affording rent in San Diego. Furthermore, from 2011 until his arrest in this case, Mr. Gonzalez resided in Tijuana, Baja California, Mexico with his girlfriend, Garciella Garcia; she is the mother of his three-year-old year old son. Mr. Gonzalez and Ms. Garcia have rekindled their relationship and he is requesting permission to relocate to Tijuana. As such, it is respectfully recommended that the conditions of supervision be modified, allowing Mr. Gonzalez to travel and reside in Tijuana, with the probation officer's approval. The offender is in agreement with this modification; however, he is aware that permission to travel and reside in Mexico is revocable and contingent on his continued compliance with the terms and conditions of supervised release.

Respectfully submitted:

by Janice Rogers-Archie
Janice Rogers-Archie
U.S. Probation Officer
(619) 409-5146

Reviewed and approved:

Sean Quintal
Supervising U.S. Probation Officer

Attachments:

THE COURT ORDERS:

X The Modification of Conditions as Noted Above

_____ Other ______________________________

Cynthia Bashant
The Honorable Cynthia Ann Bashant
U.S. District Judge

8-3-16
Date

RC for Lus